

Town of Chatham
Meeting Minutes January 28, 2016

Zoning Board of Appeals
Draft Copy

ZBA Members Present:
David Everett, Chairman
Mitchell Khosrova, Deputy Chairman
Robert Leary
Adrian Ooms
JP Henkel
ABSENT: Jeffrey Lick
Kary Jablonka

Public Present: Terry Moag, Cris Schrader of
Seed Engineering, EJ Ball, Karen
Kellogg, Michael & Vanessa Gruen,
Aven Kerr, Andrew Humphrey,
Peter VanAlstyne, Richard & Judith
Oder

Donna Staron, Planning Board Deputy Chair
George Schmitt, Town Engineer, Morris Associates
Maria Lull, Town Supervisor

The meeting was called to order at 7 PM and the Pledge of Allegiance was recited. Chairman Everett asked if everyone reviewed the changes that were made to the ZBA meeting minutes dated 12/29/15. The reply was yes and there were no changes. A motion to accept the minutes from the December 29th meeting was made by Bob Leary with a second from JP Henkel and the motion was carried.

Application for Area Variance for Terrance Moag, 391 Riders Mills Rd, Old Chatham, to meet the setback requirements for the drain field of a septic system for a new house.

Chairman Everett stated that for the record that Mr. Khosrova recused himself from this application as stated at the previous meeting in December. He also stated that Mr. Lick would be absent for this meeting.

Chairman Everett announced that this meeting was a continuation from last month. He asked for the applicant to present. Peter Van Alstyne of Van Alstyne Land Surveying spoke on behalf of Mr. Moag. He distributed copies of documents that were delivered to the town. Chairman Everett asked him to explain to the public what has been done. Mr. Van Alstyne stated that he is a licensed land surveyor, and he introduced Cris Schrader from Seed Engineers who is designing the septic system and Mr. Ball from Peachtree Builders who is the contractor building the house. He explained that they were in attendance as an extension of the public hearing for the area variance for the leach field and the 50% required expansion space for the septic system. The local code in Chatham is 50 ft. to the setback line and the applicant is asking for 12 feet. Mr. Van Alstyne has been asked to put everything on one map. He pointed to the map on the wall. Additional handouts had been previously distributed to the board members: a letter from the town engineer, George Schmitt, the Hartgen Archeological review, a letter from Columbia County DOH, a copy of driveway entrance permit from Town of Chatham DPW, a copy of building permit from the Chatham Building Inspector, a letter from Town of Chatham Planning Board, and a copy of an area variance request from Aaron Gaylord that was done previously 2003. The history of the parcel was created by two deeds, 1867 and 1876. Mr. Moag purchased the property in 2014. The parcel had been for sale for some time. Mr. Van Alstyne stated that this is pre-existing non-conforming lot which is permitted by the Town of Chatham in the code. Mr. Moag sought sanitary approval from CC DOH in June of 2015. He applied for a building permit in September of 2015 for modest two bedroom house of approximately 1800 sq. feet. The permit is displayed on site. Mr. VanAlstyne explained that Mr. Moag is applying for a variance of 38 feet on the septic system and is proposing a variance of 12 feet on the leach field. The plan they drew is based on the survey and the existing foundation is

indicated on the map. The setbacks are on the map and all proposed components: garage, deck on second floor, overhangs, septic, sand filter pump system, leach field and 50 % in case of expansion. Mr. Moag has modified his building and overhangs to comply with the code setbacks and found that decks are allowed to overhang. Mr. Van Alstyne went on to explain that Mr. Moag had an archeological survey done. He offered a conifer buffer to aid in the view shed for the neighbor and this plan was presented to the planning board for their opinion. The Planning Board suggested that Mr. Moag look at previously approved arborvitae. It was recommended that he get a mix of pines that are "deer friendly." Mr. Moag has spoken to landscapers to get their opinion on something more suitable for this property. Mr. Van Alstyne went on to say that this is a 76% variance, a fairly substantial amount. The system is approved by the Columbia County and State DOH without a variance. The system will be graded and seeded and screened from the neighbor by the conifers. He stated that the septic is designed by a professional engineer and approved by a governing body, The Columbia County Dept. of Health. Mr. Van Alstyne concluded that Mr. Moag had placed the location of the septic in the best interest of the parcel. He stated that even if the size of the house was made smaller, the septic system would remain the same and have the same setbacks. Mr. Van Alstyne believes the letters written and modifications made to the plan speak to the issues that were brought up.

Chairman Everett then asked for questions from the board. Mr. Henkel referred to the new map and asked if Mr. Moag was asking for a variance for the proposed deck that encroaches on the five foot setback. The answer was no and that a variance is not needed for the deck. Mr. Moag stated that the code allows extension beyond the setback which was also addressed in Mr. Schmitt's letter from Morris Associates. Mr. Moag stated that it "may" extend beyond the setback, but it most likely will not.

Mr. Leary asked for clarification of the footprint of the house which he stated was 20 ft. by 40 ft. for a total of 800 sq. ft. He confirmed with Mr. Van Alstyne that the second floor is 566 ft. of living space and the garage is 624 sq. ft. Chairman Everett asked how Mr. Moag found out that the property was for sale. It was stated that the property was posted with signs.

Chairman asked Mr. Moag at what height would the trees be that he proposed for the line. Mr. Moag replied that the arbor is six to seven and eight feet apart and staggered. Mr. Leary said that the purpose is to block the view of the neighbor's house and wanted to know if this would do it? Mr. Van Alstyne couldn't confirm this. Mr. Moag said there was an analysis and rendering from a landscape firm and the opinion was that it would block the view. Mr. Van Alstyne explained that all components of the approved site except the house are downgrading from the Gruen house next door. Mr. Henkel asked what the elevation difference is from the Gruen's property is to the Moag property, indicating this on the map. Mr. Van Alstyne guessed that it was maybe six feet. Mr. Henkel asked for clarification for the "expansion" and Mr. Van Alstyne replied that it is for "failure" expansion and Mr. Schrader of Seed Engineering, confirmed this. Mr. Henkel wanted to know what the word "failure" meant in Mr. Schmitt's evaluation of the project. Mr. Schmitt explained that expansion is required by the NYS DOH and Columbia County DOH has also adopted this regulation. This system requires 50% expansion in the case of an addition to the house and also if there was a need to remedy a situation. Mr. Schmitt stated that this expansion is rarely ever used.

At this time, Chairman Everett asked Mr. Schmitt to review his two letters submitted about the project. Mr. Schmitt said that he looked at the code and there is a lot of information about building size. He stated that they were not there to discuss the size or placement of the house as it fits within the zoning setbacks. A zoning variance is not needed for this house, the deck or garage. The need is for the setbacks from the property line to the sewage disposal field and the mound system.

From an engineer's point of view, he asked, "Is this a reasonable variance?" Mr. Schmitt stated that it more than complies with New York State regulations. The applicant is applying for a variance of twelve feet and the requirement is ten feet. This is a much smaller footprint. Mr. Schmitt went on to say that this particular septic system has a sand filter which supplies pre-treatment, which is within the zoning setbacks in the Town of Chatham and a disposing mechanism. This is a much smaller system, pressurized and dosed. He stated that this is a much better system and will last a lot longer than the "typical" system and that this is a good design and minimizes the footprint as much as possible. It fits the amount of bedrooms that are designed for the house. Mr. Schmitt said it more than meets the requirements and if the applicant went to one bedroom in the house, Mr. Schmitt would recommend that the applicant should still go with this larger system.

Chairman Everett then asked if there was another area the septic could be placed if the applicant went to a one bedroom house. Mr. Schmidt said that this proposed area is the only area on the site that would be approved by the Health Department because they require a 100 ft. separation and this would be the only spot they could put this. He feels this is much better place and is the smallest it can be. Chairman Everett noted that the members of the board have gone to visit the site, except for Mr. Ooms, and that the photos are on file at the Town Hall of the site. The locations have been staked out by the applicant. The Chairman then opened up the meeting for public comment.

Mr. Gruen then spoke. He explained that he owns the neighboring property to the west of Mr. Moag. He has lived there for 30 years and is his county home on weekends. Previously, he lived in Malden Bridge for about ten years. He and his wife bought the home because it was isolated and separate from the road. There were no houses around, it was private and beautiful and the land included the (Rutland) railroad right of way. He learned that the neighboring property was for sale in August, 2014 and he didn't know it. There was an informal sign that it was for sale for a short time. Mr. Gruen stated that he wrote to Mr. Moag and had included a copy of that letter to the board, which he presented to the board. He said that he sent an email to the (ZBA) clerk to forward on to the board, however, the clerk had never received his attachment. He asked the Chairman to review the letter. Mr. Gruen said he spoke to Mr. Moag in 2014, and Mr. Moag explained his plans for building on the property were sometime in the long future and that he planned to build a small retreat. Mr. Gruen stated that Mr. Moag didn't intend to live there. It was to be low profile and a cabin-like structure and this sounded appropriate to Mr. Gruen. Mr. Gruen said that he was told by Mr. Moag that he wouldn't do anything on his property without notice to Mr. Gruen. It was a year before Mr. Gruen realized that there was a driveway installed. He went to the Town highway department and then the building department to try to get plans and said plans weren't on file yet, however, he never notice from the building department when the plans became available. He stated that he found that this house isn't 800 sq. ft. Mr. Gruen calculated about 4200 sq ft. including the assumption that two rooms have rooms above them with a whole second floor same. Two of the rooms are full height going to the second floor. He has gone over the calculations issued on the building permit. There is a legend on the plans submitted and he stated that his own calculations were accurate. Mr. Gruen's objection is to the volume of the house and the effect of the volume of what a neighbor or to those who pass by.

According to Mr. Gruen, this is not by his standards a small house. He thinks that 800 sq. feet is important as it was evidently the basis for Mr. Moag's application. He believes Mr. Moag got what he paid for and one would not expect that he would insist on getting a variance to obtain this "windfall." The variance is what allows for the construction for a house of this size and whatever windfall he gets is at the expense of the Gruen's and the neighbor, Mrs. Cleary, who also lives next to the property. He stated that Mr. Moag's house would be visible from her house. Mr. Gruen believes

it will make the neighbor houses less in value and Mr. Gruen doesn't like the idea of paying for the consequence of this variance.

He went on to state the impact on them is the visibility of the house and the garage which go up to 27 ft. above. The code allows for 35 feet above average ground level. He would have liked to research this in other contexts. It's clearly a deficiency of the plan. Referring to thirty five feet above average ground level, he stated he doesn't know what this means: the lot, the buildable area, the footprint of the house. It certainly will be visible from his house, both garage and the house. He referred to photos he submitted to the board. Mr. Gruen talked about the mound system: it was 10 feet away from his property line and now is 12 feet which he feels is not too much of a difference. He stated that the septic is slightly below the level of the bed. There are bushes in front of it, berry bushes that he has picked berries from and is now not sure if we would want to do so in the future. Mr. Gruen explained with regard to the mound system and plantings that the area has to be kept free of any vegetation and must be kept free of plants with deep roots. He believes it will be an ugly thing to look at and visible. A six or seven foot row of immature trees in front of the structure won't hide it. He stated that it is an eyesore.

The Gruen's are concerned about privacy and noise. A mound system requires an alarm, 80 dba, that will not be hearable but Mr. Gruen said that is inaccurate. He's concerned about pitch and harmonics/tone which can vary. He expects that the alarm would shrill loudly and would bother them. He said that the light from the windows on the house would bother them and these are radical changes. Mr. Gruen disagrees that one doesn't have to consider anything about the house. The house is what drives the septic system. Without the house one doesn't need a septic system. One has to consider if the house is of a certain nature or size, it will not require this sort of system. The DOH appendix requires (He referred to excerpts he distributed in December) requires a septic it discusses other forms of septic systems including those where there is no or limited treatment. These appear to be available which is something that is not a residence this hasn't been addressed at all. It appears to Mr. Gruen that an 800 sq. ft. cabin could qualify for an outhouse or porta-potty or anything that will gather the sewage where it can be removed periodically. He is not convinced that the proper use of this land wouldn't be a small cabin with minimal requirements for a septic system. Mr. Gruen went on to say the property could be valid to use for agriculture, that there are a number of uses for this and one ought to be considering other uses for this property and not the dream house Mr. Moag is using this for. Mr. Gruen believes there one impact is to their driveway and stated that the rail trail is used by many members of the community to walk or ride horses on or ski. There are no motorized vehicles. He believes that Mr. Moag's building will impact the community interest in trails and that this is a conflict with the Town Comprehensive Plan. He went on to say that the plan singles out the presence of a trail system and identifies them as a major community benefit. There is a community interest in the trails and this would be messed up by his project. Mr. Gruen said that granting a variance of this sort is counter-productive to the purpose of zoning and the comprehensive plan. Zoning is to create a uniform system where there is mutuality in the system providing it's enforced. What the state law on the distance from the property line is irrelevant. The Town of Chatham has provided for a greater distance than state code. That policy decision has to be accepted as our community's rules. This isn't to say that there couldn't be a . The concern is to grant a variance where isn't where it's absolutely justified, it weakens the system. The mutuality isn't there and the mutual benefits of the system. Mr. Gruen referred to the Town Planning Board letter that was submitted. He stated they were fairly neutral and believes they did not have before them any information proponents of the project. He doubts this it has value. Mr. Gruen stated that the archeological review is strange to say the least. He raised this due to SEQR and the box is checked on the statement. There are two large stone foundations that are probably related to the railroad. He said the archeological firm decided not to discuss these two

features. Mr. Gruen feels that this is a narrow enough lot and one ought to worry about the impact on the features there if one can determine if these features will be safe. He stated that the pines are a joke and they will probably be dead once these pines grow. Six foot trees are totally inadequate.

At this time, Chairman Everett suggested opening up to other members of public. He asked that the board read the letter he submitted this evening. Mr. Gruen invited everyone to see Mr. Moag's property from his house. He strongly urged this. Mr. Leary asked Mr. Gruen why he didn't buy the property. Mrs. Gruen stated she had checked the zoning and found that there is ten acres minimum and they didn't believe it was large enough for anyone to have a house. Mr. Gruen said he was very absorbed with other personal matters and couldn't deal with it at the time.

Andy Humphrey a neighbor who lives on the road spoke. He stated that they value the 5 to 10 acre zoning. He envisioned cluster housing which may be an exaggeration. He thinks it's a mistake that Mr. Moag bought this property and that ignorance of the law isn't an excuse. He would be concerned with the aesthetics of the property. Mr. Gruen believes that Mr. Moag has self-created this and that this property was bought with the knowledge of its limitations. He stated that Mr. Moag had told him at the time that he didn't intend to do anything for a long time with the property. They know of two contractors, two engineering firms, public officials...what is not presented is that there is a sign at the bottom of the driveway for a moss capital group, property management maintenance. He researched this and the principal is Sean Freeman who is a commercial real estate broker. It's hard to imagine that he at some point didn't say at some point that the law didn't say something about the law and that Mr. Moag didn't know this. Mr. Gruen considers this self-inflicted. Had he made the call to Mr. Gruen that he had promised he didn't and he spent his money on his own and against advice.

Mr. Van Alstyne then spoke to Mr. Gruen's comments. He pointed out a few discrepancies: the elevation that faces his house is about 16 feet, not 27 feet as proposed by Mr. Gruen. The other side that faces the woods there is a I get it for conservancy he is on a lot of committees.... The other scenario is that Mr. Moag had some insight that the code addresses: there are a lot of non-conforming lots in the town. The comprehensive plan must have seen this and put in regulations that deal with non-conforming lots. Why do we have to have a setback....i get that....possible there was no foresight when they made these regulations. Mr. Van Alstyne doesn't think outhouses are allowed in Columbia County for use with a residence. It's demeaning....As far as the driveway is concerned Mr. Moag has not talked of any plans to disturb any other sites on the property, for example, the stone foundations which is why the archeological firm didn't investigate those areas. The driveway was constructed where the old town road had been.

At this time Chairman Everett requested a motion to close the hearing. Mr. Henkel made the motion and Mr. Ooms seconded with all members in favor to close the public hearing. The board will entered in deliberation stage. Mr Henkel stated that the board has looked at this for many months and while he appreciates the neighbor's concerns, he doesn't feel he has heard that this project is a concern. He believes the house is not abnormally large for the neighborhood. The septic bed has been addressed and he doesn't believe that it's objectionable. Mr. Henkel has no problem with this. Chairman Everett asked if he had a problem with the trees and Mr. Henkel replied that he did not and believes that Mr. Moag has made a nice concession with what is proposed. Chairman Everett believes visibility will drop once the leaves are on the trees again. He would want to make sure the applicant gets the trees put in before construction begins or at least before the CO is issued. He stated that they would need to replace any trees that die promptly. This would be a condition of approval. Mr. Ooms was in agreement with this. Mr. Leary, who also lives on Riders Mills Road stated that cannot see this property from the road. He doesn't believe it will be

that visible. He would like to see the view blocked with trees so that he cannot see the new structure on Mr. Moag's property. Mr. Leary is looking for something that will block the view from the house. He believes that part of the approval is the applicant has to put in something taller to block the view. Chairman Everett asked for specifics. Right now it's 6 to 7...bob feels higher....not to exceed 20 ft. Mr. Schmitt reviewed the building elevations...the lower is the 16ft...104 elevation...110...6 ft....12 ft.....16 ft of roof is not that exposed. 6 to 7 ft in his opinion is adequate. Mr. Leary wants to know that the view of the rear of the house will be totally blocked. Mr. Henkel then asked if Mr. Leary was looking to block the entire roof. Mr. Leary replied that he wants the house blocked from view. Mr. Schmitt showed the map and he believes trees that are six to seven feet tall will block the view. Mr. Henkel asked if hemlocks were fast growing and the reply was they were not in comparison the white pines. Mr. Gruen said that he can guarantee that his house is substantially higher and if the tree is six feet high because of the height differential, they will need more than 27 feet to hide it. Mr. Gruen stated that this needs a surveyor that deals with height. Mr. Van Alstyne stated that Mr. Moag has offered to put in 10 foot trees. Chairman Everett asked if he anticipated if they had to remove trees to plant these taller trees. Mr. Van Alstyne stated it's their plan to make it all look natural. The trees will be staggered. Mr. Schmitt says he doesn't have the elevation to say this definitely, but feels it's adequate as proposed.

According to Chairman Everett, the town attorney, Tal Rappleyea called each board member. He indicated that a majority of the board was in favor of granting the variance. The chairman wants to be sure given the new information provided that there wasn't a change. The draft resolution was presented and Chairman Everett read it as follows: refer to attached draft resolution #1-2016.

Motion to adopt the resolution with changes was made by Mr. Henkel with a second received from Mr. Leary. All board members present were in favor and the motion was carried. A motion to adjourn the meeting was made by Mr. Henkel with a second from Mr. Ooms and the meeting adjourned at 8:49 PM.

MEETING ATTENDANCE SIGN-IN

Date: JAN 28, 2016

ZONING BOARD

Please PRINT your name and address clearly to assure the correct spelling in the minutes of this meeting.

NAME	ADDRESS	EMAIL/PHONE
MICHAEL GRUEN	337 RIDERS MILLS	612X43-7050 m Gruen@michaelgruen.net
AVEN KERR	P.O. BOX 157 Old Chatham	
ANDREW HUMPHREY	342 Riders Mills Rd OLD CHATHAM	
VANESSA GRUEN	337 RIDERS MILLS	VGRUEN@yahoo.co
KARL KELLOGG	PO BOX 282 Spencer town	myakel@comcast.net
ET BURN	102 Alsea Pkwy Rd wife K12188	Perchman@earthlink.net
Mary Schmitt	Morris associates	
TH MOAG	397 Rider Chatham	
Gris Schopf	3608 State Rd 158 #6	Gschopf@schopfllc.com
Maria Lull	1601 CR 28 Valatie NY	MARIA.LULL@chatham.com
PETER VAN ARDE	23 merwin rd kinders	@gmail.com
Richard Rietveld	159 Riders Mills rd Old Chatham	
Judith Rietveld	159 Riders Mills rd Old Chatham	794 6379
Donna Staron	Valatie, NY	392-3488

Town of Chatham
Meeting Minutes June 24, 2016

Zoning Board of Appeals
Draft Copy

ZBA Members Present:

David Everett, Chairman
Mitchell Khosrova, Deputy Chairman
Robert Leary
Adrian Ooms
Kandace Eaton
ABSENT: J.P. Henkel
Jeffrey Lick

Public Present: John Fiorillo, Anita Fiorillo

The meeting was called to order at 7 PM and the Pledge of Allegiance was recited. Chairman Everett stated first is approval of the minutes from the meeting of January 28th. Chairman Everett states he will make the motion. Mr. Khosrova states he is not sure he feels comfortable approving the minutes without reviewing them first. Chairman Everett states that's fine we can put off the minutes till the next meeting.

Interpretation of the code for Collins residence, 108 River Rd, Chatham, to meet the setback requirements for the silo.

Interpretation of the code for Allen residence, 3 Pratt Rd, Chatham, to meet the setback requirements for second dwelling.

Chairman Everett asked if the Building Inspector was going to be here. Erin Costa, the Secretary states Kent Pratt, the new Building Inspector had a court appearance at 6pm and was hoping to make it here after that.

Chairman Everett asks if there are any representatives for the Collins here, no one responds, we can put off and do second and move onto the next one, which is the Allen's. Chairman Everett asks if there are any representatives for the Allen's here, no one responds, were the Allen's notified to be here. Ms. Costa states they had dropped off the file today and asked if the Zoning Board could just look it over and decide if they even needed to go before the Board because there builder didn't think a variance was needed. Chairman Everett states they really need the Applicants here in order to go over the applications. Ms. Costa states Mr. Allen is in the hospital so they were not able to be here. Chairman Everett states it is a due process issue, the Board can't talk about an application unless the Applicant is here. Ms. Costa states the Allen and the Collins applications are both looking for an interpretation of the code to decide if a variance is even needed.

Bob Leary walks in. Chairman Everett states there is now a quorum for the January minutes and asks Ms. Eaton if she feels comfortable voting since she was not at the meeting. Ms. Eaton replies that she does not, and does not know anything about the project.

Chairman Everett asks the Board what they want to do, since he does not want to proceed with the applications without the Applicants to describe what is going on with the project and answer questions. Mr. Khosrova states both Applicants need to fill out an application for an area variance all they have is the building permit application.

Chairman Everett states for the Allen application, the Applicant needs to come to the meeting and they do have a denial from the Building Inspector, which is correct, and they need to have the

Appeal Application filled out, then the Building Department needs to call him to make sure they have everything needed, there is a variety of ways this can go and it depends on the information received. Mr. Leary adds he wants to make sure the interpretation is correct in the letter that Jim Quinn, the Building Inspector sent to the Allen's, is he right by saying there needs to be 25 feet on each side of the buildings for a total of 50ft. Chairman Everett states that is one of things that the Board needs to discuss. Mr. Leary states that he did not see this in the code. Chairman Everett states it depends on how you interpret the code. Mr. Khosrova asks what is our process now since we don't have informal meetings, generally someone wants to put in an application and they sit down with the Building Inspector or the ZBA or who helps them fill out the application. Chairman Everett states Erin Costa should help them with the Appeal Application and then notify them that they are on the agenda. Mr. Khosrova asks Ms. Costa if she knew that, she replies she thought the Building Inspector would do that but that she can do it. Mr. Khosrova states some towns the Building Inspector does, that is why he was asking since there are so many new people he wants to make sure nothing is slipping through the cracks.

Chairman Everett states that Mr. Allen had called him and explained what was going on and he told them they need to sit down with the Building Department and go over exactly what the issues are and if they don't agree they can appeal the decision, and he told Mr. Allen it would be a month or two before the Board rendered a decision.

Chairman Everett states normally the Board needs to have the all the paperwork at least 10 days before the meeting so that they have enough time to review the application before the meeting, they can't get an email an hour before the meeting. Mr. Khosrova adds that the Board also requested that they just get one email with all the applications.

Mr. Leary states Mr. Allen had some confusion with his permit when the town was in between building inspectors. Chairman Everett adds that he said he had submitted a building permit application and never heard back from the Building Department and made the assumption he had a permit and began building. Mr. Allen needs to be notified his application will be on the Agenda for next month and asks the Board if there is anything they saw when looking at the application that would help expedite this. Mr. Leary states that he is confused about the 25ft set back on either side of the building. Chairman Everett states this needs to be discussed as a Board with the Applicant and yes the buildings can't share a side yard. He adds that the same with the Collins application the Board doesn't feel comfortable discussing this without the Applicant and the Building Inspector needs to make a decision on what this structure is. Mr. Khosrova adds that it seems there was a neighbor complaint about the silo and it looks like it doesn't meet the set back requirements. Chairman Everett adds it looks like the set back should be 45 feet from a neighboring property line, but is that the road or the property across the street and the other issue to discuss is the right to farm laws printed out from the Agri-Market farm laws and is almost right on point. Mr. Khosrova agrees and adds this doesn't even need to go in front of the Board then. Chairman Everett states these are the things the Building Inspector needs to look at and make a decision and then the Applicant or neighbor can appeal.

Chairman Everett then looks to the audience and asks if they want to comment and to state name, address and where they live. Public member, John Fiorillo states his name and he lives in the last house on River Rd and that he would first like to clear up a few things. Mr. Khosrova states he would rather have the Applicant here before there is any discussion on their application, he wouldn't want the Applicant to think the Board is taking information from others when they aren't present. Mr. Fiorillo states the Building Inspector made a decision, filed a complaint and denied the permit and it is not a neighbor variance it is a road variance with a 25ft set back and an issue with

the side yard he doesn't understand. Chairman Everett adds the Board needs a copy of the Building Inspectors decision, a copy of the appeal and the Applicant needs to be here. Public member, Anita Fiorillo asks if they are able to appeal the decision of the Zoning Board if they don't agree. Chairman Everett states if the Board makes a decision that you don't agree with, the only option is to go to court. Mr. Khosrova asks if that is Article 78, Chairman Everett replies it is.

Mr. Khosrova asks about an application in his files from January on Bushnell Rd. and is there anything going on with it. Chairman Everett responds that it has been 6 months, would say it has just gone away.

A motion to adjourn the meeting was made by Chairman Everett with a second from Mr. Khosrova and the meeting adjourned at 7:20 PM.

David Everett, ZBA Chairman
July 9, 2016

Respectfully submitted by
Erin Costa, ZBA Clerk

Town of Chatham
Meeting Minutes October 27, 2016

Zoning Board of Appeals
Draft Copy

ZBA Members Present:

Robert Leary
Adrian Ooms
Kandace Eaton
J.P. Henkel
Jeffrey Lick

ABSENT: David Everett, Chairman
Mitchell Khosrova, Deputy Chairman

Public Present: John Fiorillo, Anita Fiorillo

Andrew Howard, Dale Whittam
Donal Collins, Abi Mesick
Pat Collins, Jim Quinn

The meeting was called to order at 7 PM and the Pledge of Allegiance was recited. Robert Leary stated Chairman Everett and Deputy Chairman Khosrova are unable to attend tonight's meeting and introduces the Board Members in attendance. Mr. Leary adds that this is just an informational meeting tonight and no decisions will be made, therefore only the Applicants will speak tonight and the Public will have a chance to speak once the Public Hearing is scheduled and the Board agrees.

An Application for Area Variances from Donal Collins & Abi Mesick to allow the placement of a grain bin/silo in the front yard of property located at 108 River Road, Chatham, NY 12037. The grain bin/silo does not meet the front-yard setback requirements of the Town of Chatham Zoning Code. Mr. Leary states the representatives for the Collins Application can begin. Donal Collins, the Applicant introduces himself and Abi Mesick and presents the Board with a Power Point presentation in hand out format, was unable to get the projector to work.

Mr. Collins begins with the Introduction and Violation, which shows what they were written up for and what the regulations for a farmer and that they meet those regulations. He adds that the installation of the grain bin will provide bulk savings and have less of a footprint than the bags they were purchasing and states they did not realize they needed a permit. Mr. Collins states that there are also four other residences on this dead end road.

Mr. Leary asks what the height of the bin is. Mr. Collins states that it is 16 feet tall and presents the Board with the photo of the aerial view of the bin and points out their property is bound by rivers and railroad tracks mostly as well as photos of other bins in the area that are located near the road. Mr. Collins states with this location the delivery trucks have four season access to the bin, are fully off the road and the power lines are not in the way. Mr. Collins adds that at this location they are also able to provide power to the bin and have a letter from the grain company confirming that this is the best location. Mr. Leary points out the photo shows a parking area on it and asks if this is a possible location for the bin, Mr. Collins states the delivery truck could not get there due to the power lines.

Mr. Henkel states the Board needs to know what the variance is exactly, as well as a survey done and what the measurement is from the concrete pad and the power lines indicated. Mr. Collins states the first violation stated this was a farm building and needed to be 100 feet from the property line, but when they looked at the code more closely it was actually 45 feet from the property line and then the Building Department classified this as an accessory structure at 64 sq. ft. except that the height is over 15 feet. Mr. Leary confirms the height of the bin is 16 feet, and Mr. Collins states this could possibly be modified to be in compliance. Mr. Henkel states they need to go back to the Building Department and decided what it is they are applying for and get a survey done.

Mr. Lick asks if this is a building or a structure, and Mr. Leary states it is definitely a structure. Mr. Lick states then it would be considered an accessory structure except that the height is over.

Ms. Eaton then reads the code for H1 and H2 zones which states farm buildings "may be" erected within 45ft from the neighboring property and adds that if you take the most simplest interpretation of "may be" it then could be on the property line, and that this was probably intentionally worded this way to allow agricultural uses in the H1 & H2 zones. She then reads the code for an accessory structure which states "shall not" be in any front yard and that this property is not currently zoned agricultural. Mr. Collins states that it is not zoned agricultural, but to farmland and agri-markets they meet the classifications.

Mr. Henkel asks if the town attorney is here tonight and Mr. Leary states he is not. Mr. Henkel then reads the violation letter and asks if they could get the town attorney's advice and possibly revise the letter since it does not seem correct. Mr. Lick states what is needed for the next meeting is; is this a building or a structure and exactly what the violation is. Mr. Collins states he needs to have the correct variance request and apologizes for erecting the bin without a permit. He also adds that it would be very costly to move the bin and concrete slab which would be a financial hardship and the wires are a practical hardship. Mr. Lick asks if the delivery trucks pull all the way in the driveway and Mr. Collins states the trucks drive straight in and are completely off the road. Mr. Henkel asks if the bin was moved back if the trucks could pull in past the wires or if they are just not able to get under the wires at all. Mr. Collins states the wires are too low and the trucks couldn't get under them at all.

Mr. Collins then points out the fact of being within characteristics of the neighborhood and then shows color photos of the neighboring farm on Highland Road with a retaining wall made out of tires. Mr. Lick asks if the property across the road is zoned agricultural and Ms. Eaton states it is. Mr. Henkel states this property is in the H1 zone and the zone ends with them, and adds that the neighbors will need to be notified when the Public Hearing is scheduled. Ms. Mesick asks what is classified as the neighbors and Mr. Henkel states it is anyone within 500ft of their property line and the Assessor can provide them with that information. Mr. Collins then concludes his presentation by stating they are looking for a relief due to hardship, this does not affect the characteristic of the neighborhood or impede on traffic and they were never aware they were out of code.

Mr. Henkel asks if Mr. Quinn, the Building Inspector is here and if he could clarify the letter to the Applicant. Mr. Quinn states that he will have to research this. Mr. Henkel adds that there is a violation notice and then a permit denial letter stating an accessory structure, need to know if this is a farm building or an accessory structure. Mr. Leary asks if this is the only place the silo can go to hook up to the residence. Mr. Collins states it is the best spot with the power lines. Mr. Henkel asks if the utility pole is theirs or the utility companies. Mr. Collins states it belongs to the utility company. Mr. Lick asks if they were to put the bin anywhere else they would not be able to supply power to it. Ms. Mesick states they would not and adds that they have put a fence around their entire property to keep the animals from the other farm off their property and they have a permit from DEC as well for the farm. Ms. Eaton looks at the plot plan and asks if the bin could go in an area near the bridge, Mr. Ooms states it wouldn't be feasible because the trucks couldn't drive over the pasture and Ms. Mesick confirms this.

Mr. Henkel states the Applicants need to go back to the Building Department and fill out a new appeal application clarifying what the appeal is. Mr. Leary adds they should get everything together for the next meeting and then the Board will schedule a public hearing. Mr. Lick points out that they

need to reschedule next months meeting due to Thanksgiving. Mr. Leary recommends December 1st if that works for Mitch and Dave as well.

An Application for Area Variances from Dale & Rita Whittam to allow the placement of a leech field in the side yard of property located at 532 Shaker Museum Road, Old Chatham, NY 12136. The leech field does not meet the side-yard setback requirements of the Town of Chatham Zoning Code. Mr. Whittam introduces himself and states they are dealing with a 50 foot set back and shows on the plot plan where all the wells are for the neighbors and the 100 foot separation from the leech field and well. Mr. Whittam presents the Board with the letter from the County Inspector stating that this is the only safe place for the septic and leech field to go. Mr. Lick states the plan shows the proposed house and the current structure and asks if this is the property with the RV's. Mr. Whittam states there is a barn there and the RV is parked in front of it, and the house was dilapidated and is completely gone.

Mr. Lick states the proposed set back is 14.2 feet according to the drawing. Mr. Whittam states the County regulation is 10 feet. Mr. Henkel asks if a set back is actually needed since it is buried, Mr. Quinn states the code does specifically state set backs are required for septic and leech fields. Mr. Henkel asks if there is a specific set back calculation on the application as well as the building set backs. Mr. Whittam states the set back is 13 feet, Mr. Henkel states it is then a 37 foot variance that is needed. Ms. Eaton states the code is 180-41 and Mr. Henkel adds the variance is on the East side only and the Columbia County Board of Health has waived in but has not issued their permit, the approval of the Board should be contingent on the Department of Health permit. Mr. Leary adds that the Applicant needs to notify the neighbors. Mr. Whittam states he already has his list of neighbors. Mr. Henkel adds they also need SEQRA filled out and the statement from the Department of Health that this is the best location.

A motion for a Public Hearing on December 1st, 2016 and a Type 2 SEQRA was made by Mr. Henkel with a second from Mr. Lick.

Robert Leary – Aye
Adrian Ooms – Aye
Kandace Eaton – Aye
J.P. Henkel – Aye
Jeffrey Lick – Aye

A motion to adjourn the meeting was made by Mr. Leary with a second from Mr. Lick and the meeting adjourned at 8:16 PM.

David Everett, ZBA Chairman
November 10th, 2016

Respectfully submitted by
Erin Costa, ZBA Clerk

Town of Chatham Planning Board
Meeting Minutes

NOV 8, 2016

Members Present:

Marilyn Cohen, Chairperson

Gabriella Sperry

Wendy Carroll

Kandace Eaton

J.P. Henkel

Jeffrey Lick

ABSENT: David Everett, Chairman

Mitchell Khosrova, Deputy Chairman

Public Present: John Fiorillo, Anita Fiorillo

Andrew

Donal Collins, Abi Mesick

Pat Collins, Jim Quinn

The meeting was called to order at 7 PM and the Pledge of Allegiance was recited. Robert Leary stated Chairman Everett and Deputy Chairman Khosrova are unable to attend tonight's meeting and introduces the Board Members in attendance. Mr. Leary adds that this is just an informational meeting tonight and no decisions will be made, therefore only the Applicants will speak tonight and the Public will have a chance to speak once the Public Hearing is scheduled and the Board agrees.

An Application for Area Variances from Donal Collins & Abi Mesick to allow the placement of a grain bin/silo in the front yard of property located at 108 River Road, Chatham, NY 12037.

The grain bin/silo does not meet the front-yard setback requirements of the Town of Chatham Zoning Code. Mr. Leary states the representatives for the Collins Application can begin. Donal Collins, the Applicant introduces himself and Abi Mesick and presents the Board with a Power Point presentation in hand out format, was unable to get the projector to work.

Mr. Collins begins with the Introduction and Violation, which shows what they were written up for and what the regulations for a farmer and that they meet those regulations. He adds that the installation of the grain bin will provide bulk savings and have less of a footprint than the bags they were purchasing and states they did not realize they needed a permit. Mr. Collins states that there are also four other residences on this dead end road.

Mr. Leary asks what the height of the bin is. Mr. Collins states that it is 16 feet tall and presents the Board with the photo of the aerial view of the bin and points out their property is bound by rivers and railroad tracks mostly as well as photos of other bins in the area that are located near the road. Mr. Collins states with this location the delivery trucks have four season access to the bin, are fully off the road and the power lines are not in the way. Mr. Collins adds that at this location they are also able to provide power to the bin and have a letter from the grain company confirming that this is the best location. Mr. Leary points out the photo shows a parking area on it and asks if this is a possible location for the bin, Mr. Collins states the delivery truck could not get there due to the power lines.

Mr. Henkel states the Board needs to know what the variance is exactly, as well as a survey done and what the measurement is from the concrete pad and the power lines indicated. Mr. Collins states the first violation stated this was a farm building and needed to be 100 feet from the property line, but when they looked at the code more closely it was actually 45 feet from the property line and then the Building Department classified this as an accessory structure at 64 sq. ft. except that the height is over 15 feet. Mr. Leary confirms the height of the bin is 16 feet, and Mr. Collins states this could possibly be modified to be in compliance. Mr. Henkel states they need to go back to the Building Department and decided what it is they are applying for and get a survey done. Mr. Lick asks if this

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Adrian Ooms – Aye
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J.P. Henkel – Aye
Jeffrey Lick – Aye

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David Everett, ZBA Chairman
November 10th, 2016

Respectfully submitted by
Erin Costa, ZBA Clerk

Town of Chatham Planning Board
Meeting Minutes

December 13, 2016
Draft Copy

Members Present:
Marilyn Cohen, Chairperson
Donna Starron, Deputy Chairperson
Gabiella Sperry
Wendy Carroll
Aven Kerr
Cindy Meyers
ABSENT: Bonnie Schoonmaker

Public Present:
Bill Stratton
Chris Wyant
Gail Chamberlain
Shari Franks
Maria Lull

The December 13, 2016 Planning Board meeting was called to order at 7:00 PM by Chairperson Marilyn Cohen and the Pledge of Allegiance was recited. Chairperson Cohen read a letter from Member Bonnie Schoonmaker regarding her reappointment and decision to resign. Deputy Starron moved to approve the minutes from the June 14 meeting. Cindy Meyers seconded, and this carried. Chairperson Marilyn Cohen spoke about the Crellin self storage location and that it looks very nice, they have done a great job. Wendy Carroll agreed and stated that all members should take a look since they cannot get a Certificate of Occupancy without the Planning Board's approval of the plantings.

Columbia 295 LLC (Bill Stratton)

ROUTE 295

Initial

Bill Stratton, the Applicant, stated that this is the property across from the old boxboard plant, adjacent to the trailer park, and they are hoping to put up a pole barn looking storage building. Chairperson Cohen asked if they have any pictures, drawings, etc... Mr. Stratton stated that they don't have anything yet; they just wanted to come in and see what needs to be put together. Chairperson Cohen stated that they will need a site plan, SEQRA, set backs and architectural plans for the structure. Ms. Carroll asked if they will have water in the building. Mr. Stratton stated they will not be hooking up water to the building. Deputy Starron asked if there will be lighting and Chairperson Cohen asked if there will be any signage. Mr. Stratton stated that they won't have any of that.

Chairperson Cohen stated that once the Board has determined that the Application is complete, a Public Hearing would be scheduled and the adjoining property owners will need to be notified. Ms. Meyers stated that the Assessors office can give them a list of adjoining property holders. Chairperson Cohen added that they should make sure they have everything together, such as lighting even if the intention is to add it later, so they won't need to come back again for a modification once the project is approved. Ms. Kerr asked if they already own the property and Mr. Stratton stated that they do. Deputy Starron added that they should include any driveways. Ms. Carroll stated that the SEQRA will trigger any wetlands or historical sights. Chairperson Cohen stated that the escrow check

will only be used if the Town thinks they need to have their lawyer or engineer look at anything. Wendy Carroll asked if the Town was picking up any of the legal fees such as checking deeds. Chairperson Cohen stated that she understood the new law has the applicant paying all legal and engineering fees. She asked Supervisor Lull, who was in the audience, if this was so. Ms. Lull replied, "I suppose so". Chairperson Cohen asked the applicant if they plan on coming back in January. Mr. Stratton stated they will be back for the January meeting.

Other Business:

Chairperson Cohen stated that she has submitted her letter of resignation effective at the end of this month due to changes taking place in the Town.

Deputy Chairperson Donna Starron moved to adjourn. Wendy Carroll seconded and this carried. The meeting was adjourned at 7:21 PM.

Respectfully submitted,

Erin Costa, clerk

Marilyn Cohen, Chairperson